

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In re Application of)	
)	
WWC License L.L.C.)	
Phase II Cellular Unserved Area)	File No. 0000071217
And Alternative CGSA Determination)	
For the Nebraska 2 – Cherry RSA)	
Market No. 534A)	
Station KNKN520)	
)	

ORDER

Adopted: April 27, 2000

Released: April 28, 2000

By the Deputy Chief, Commercial Wireless Division, Wireless Telecommunication Bureau:

1. On January 20, 2000, WWC License L.L.C. (WWC) filed the above-captioned application. N.E. Colorado Cellular, Inc. (NECC) filed a petition to dismiss or deny (Petition) the Application on March 3, 2000. On March 16, 2000, WWC amended its application (as so amended, the WWC Application). For the reasons discussed below, we dismiss NECC's Petition as moot and grant the WWC Application.

2. The WWC application seeks to add or modify four cell sites. In its Petition, NECC alleges that WWC's initial application was defective because it failed to calculate the Cellular Geographic Service Areas (CGSAs) using the standard formula set forth in section 22.911(a) of the Commission's rules.¹ NECC asserts that WWC's initially-proposed CGSAs included a mutually exclusive overlap with the proposed service area in NECC's Phase II application, filed on January 24, 2000.²

3. WWC amended its application on March 16, 2000 to use the Commission's standard CGSA formula,³ which had the effect of removing any overlap with the service area covered by NECC's Phase II application. Because the WWC application, as modified, no longer includes the aspects to which NECC objected, we will dismiss NECC's Petition as moot.⁴ We further conclude that granting the WWC Application, as so modified, is in the public interest.

4. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and 309(d) of the

¹ 47 C.F.R. § 22.911(a).

² NECC's application was granted on March 20, 2000. *See* Public Notice, Report No. 488 (rel. March 29, 2000).

³ *See* 47 C.F.R. § 22.911(a) (codifying standard).

⁴ We note that NECC, in response to WWC's modification of its application, recently requested to withdraw its Petition. *See* Letter from David A. LaFuria, Counsel for NECC, to Richard Arsenault, Commercial Wireless Division, Wireless Telecommunications Bureau (Apr. 11, 2000).

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communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(d), and sections 0.331 and 22.130 of the Commission's Rules, 47 C.F.R. §§ 0.331, 22.130, the petition to dismiss or deny filed by N.E. Colorado Cellular, Inc. on March 3, 2000 IS DISMISSED AS MOOT.

5. IT IS FURTHER ORDERED that, pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and section 0.331 of the Commission's rules, 47 C.F.R. § 0.331, the application of WWC License L.L.C., filed January 20, 2000 and amended March 16, 2000, IS GRANTED.

FEDERAL COMMUNICATIONS COMMISSION

William W. Kunze
Deputy Chief
Commercial Wireless Division
Wireless Telecommunications Bureau